

ATTY. DOCKET NO.: P66034US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

FRECHON et al.

Serial No.: 09/674,277

Group Art Unit: Unassigned

Filed: February 13, 2001

Examiner: Unassigned

For: NUCLEOTIDE SEQUENCES FOR THE DETECTION OF  
ENTEROHAEMORRHAGIC ESCHERICHIA COLI (EHEC)

**RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE**

Commissioner of Patents  
Washington, D.C. 20231

Sir:

The Notification of a Defective Response, mailed 8 August 2001 (copy attached) was apparently mailed in error.

According to the Notification mailed 8 August 2001, Applicants' response filed 13 February 2001 was acknowledged and requirements contained in the Notification of Missing Requirements mailed 23 May 2001 were, allegedly, not completed due to the alleged failure of compliance with the Notification to Comply With the Sequence Rules mailed 23 May 2001.

The instant Notification was mailed in error because Applicants did, in fact, respond to the Notification to Comply mailed 23, May 2001, and, thereby, "completed" the requirements set forth in the Notification of Missing Requirements mailed 23, May 2001. Attached, hereto, is a copy of the Response to Notice to Comply With Sequence Rules (i.e., the Notice to Comply mailed 23 May 2001, and attachments - except for the computer readable form of the Sequence Listing), along with a copy of the corresponding PTO mail room receipt card, date stamped 23 July 2001.

Accordingly, the Notification of a Defective Response mailed 8 August 2001 was mailed in error, rendering moot the requirements set forth therein.

Applicants, moreover, request that the PTO mail an appropriate paper withdrawing the Notification

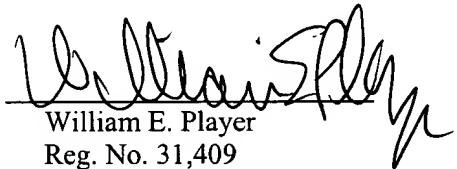
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Attorney Docket No.: P66034US0

of a Defective Response mailed 8 August 2001, in order to complete the record.

An attempt to resolve this matter was made during a telephone call to PTO Paralegal Charitta A. Burt on 23 August 2001, but the matter could not be resolved.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:   
William E. Player  
Reg. No. 31,409

Date: October 22, 2001  
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Telephone: (202) 638-6666  
Attorney Docket No.: P66034US0

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674277	FRECHON	D P66034US0
INTERNATIONAL APPLICATION NO.		
PCT/FR99/01000		
I.A. FILING DATE		PRIORITY DATE
27 APR 99		28 APR 98
DATE MAILED:		
08 AUG 2001		

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CALL:

- (703) 308-4216, for Rules interpretation,
- (703) 308-4212, for CRF submission help,
- (703) 287-0200, for PatentIn software help.

Charita A. Bush, Paralegal  
Telephone: 703-305-3734



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P66034US0

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INTERNATIONAL APPLICATION NO.		
PCT/FR99/01000		
I.A. FILING DATE	PRIORITY DATE	
27 APR 99	28 APR 98	

DATE MAILED: 08 AUG 2001

## NOTIFICATION OF A DEFECTIVE RESPONSE

1.  The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2.  Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3.  Applicant's response filed 13 FEB 01 is hereby acknowledged. The following requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 23 MAY 01 have not been completed.

- Translation of the international application into English.  
 which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f)).  
 Oath or Declaration of inventors(s).  
 not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e)).
- Sequence Listing.  
 not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- Additional claim fees.

**SEQUENCE LISTING**

JACOBSON HOLMAN PLLC  
Response Due On Or Before  
8 / 23 / 01  
Month Day Year

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed:  PCT/DO/EO/917       Notice of Defective Translation  
 PCT/DO/EO/920

Charita A. Burt, Paralegal  
Telephone: 703-305-3734

W H Ref

Today's Date 7-23-01

Serial/Patent No. 19/677277

Applicant, Patentee, Assignee Stevens et al.

Filing Date/Patent Date 7-13-01

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- pp. Specification & JC162 Claims  Response to Office Action  
 Combined Declaration, Power of Attorney  Disclosure Statement-IDS  
 Preliminary Amendment  Copies of References  
 Rule 53 (b) Application  Request for Refund  
 Rule 53 (d)/RCE Application  Request for Corrected Filing Receipt  
 Claim to Priority and Certified Copy  Petition for XOT  
 Substitute  Subsequent Declaration  Notice of Appeal/Brief  
 Maintenance Fee  Sequence Listing  Issue Fee Transmittal  
 Drawings — Sheets — Formal — Informal  Other \_\_\_\_\_  
 Assignment/Change of Name  
 Small Entity Declaration  
 Check for \$ \_\_\_\_\_



LAW OFFICES OF  
JACOBSON HOLMAN PLLC  
400 SEVENTH STREET, N.W.  
WASHINGTON, D.C. 20004

JH 5/01 DUE DATE 7-23-01  
Person filing Agoston